

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated August 20, 2008, (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the § 101 rejection of Claim 15, the claim has been amended to characterize that the computer program is stored on a computer readable medium such that it is structurally and functionally interrelated to the media. Consistent with MPEP § 2106.01, Applicant submits that Claim 15 is directed to statutory subject matter and accordingly requests that the rejection be withdrawn.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended Claims 1, 3, 4, 8, 10, 11, 15, and 16 to indicate that a grip area is determined on a predetermined location on the display. Support for these changes may be found in the Specification, for example, at page 6, lines 3-11 and page 4, lines 23-26; therefore, the changes do not introduce new matter. Further changes to the claims were made to improve the readability of the wording of the claims and provide antecedent basis; these changes are not made for any reasons related to the asserted reference and do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted reference for the reasons set forth below.

The asserted teachings of U.S. Patent No. 6,075,531 to DeStefano (hereinafter "DeStefano") do not teach or suggest each of the now-claimed limitations. In contrast to the claimed grip area, which is an area of a display on a predetermined location, DeStefano teaches the use of a pointer. DeStefano's pointer is a graphical representation that may have different states (*e.g.*, normal, resize, and move). In order for a state of DeStefano's pointer to be activated, a user must provide a separate command such as by using pull-down or pop-up menus or specific key strokes (Col. 7, lines 10-15). However, the claimed grip area may be activated merely by moving a cursor to a predetermined location on a display. Thus,

DeStefano's pointer fails to correspond to the now-claimed grip area. Without correspondence to each of the claim limitations, the § 102(b) rejection would be improper.

In order to anticipate a claim, the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit also recently held that "Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" (Net Moneyin, Inc. v. Verisign, Inc., --- F.3d ---, 2008 WL 4614511 (Fed. Cir. 2008) quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that DeStefano does not teach every element of now-claimed independent Claims 1, 8, 15, and 16 in the requisite detail, and therefore fails to anticipate Claims 1-16.

Dependent Claims 2-7 and 9-14 depend from independent Claims 1 and 8, respectively, and also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by DeStefano. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 8. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-7 and 9-14 is improper, and Applicant requests that the rejection be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (KOL.222.WUS) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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Date: November 20, 2008

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